

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

PATRICK K. MCDONNELL,
and CABBAGETECH, CORP. d/b/a COIN DROP
MARKETS,

Defendants.

Case No. 18-CV-0361 (JBW) (RLM)

ECF Case

[PROPOSED] STIPULATED ORDER REGARDING PRODUCTION OF DOCUMENTS

WHEREAS, Plaintiff Commodity Futures Trading Commission (“CFTC” or the “Commission”) issued a subpoena to Google LLC’s (“Google”) dated April 25, 2018;

WHEREAS, the Commission and Defendant Patrick K. McDonnell (“Defendant”) jointly seek entry of this Order regarding Google’s production of certain items;

It is hereby STIPULATED, AGREED, and ORDERED as follows:

1. Defendant Patrick K. McDonnell is the registered account holder and sole authorized user of a Gmail account with the address **coindropmarkets@gmail.com** (the “Google Account”).

2. Defendant Patrick K. McDonnell consents to Google delivering and divulging the contents of his respective Gmail accounts as described further below. The Court finds that this consent is sufficient pursuant to the Stored Communications Act, 18 U.S.C. §§ 2701, *et seq.*

3. Upon entry of this Order, counsel for the Commission shall email to Defendant Patrick K. McDonnell a copy of this Order.

4. Within four (4) days of the entry of this Order, Defendant Patrick K. McDonnell shall send an email message from the user's Gmail account listed above to google-legal-support@google.com with this Order attached (the "**Consent Email**"). The Consent Email shall state—

- A. the user consents to Google's disclosure of the communications dated between January 1, 2016, and May 25, 2018, associated with the Google Account, which are in the Google Account, were recently deleted from the Google Account, or were preserved pursuant to the request(s) in this matter (the "**Documents**"); and
- B. the user consents to Google delivering the **Documents** to counsel for Plaintiff;

5. Within ten (10) days of the receipt of the **Consent Email**, Google shall write or otherwise record the **Documents**, to the extent any exist and are reasonably available, on a separate compact disc (CD) or other fixed medium and mail via overnight courier to:

Gates S. Hurand
Senior Trial Attorney
Commodity Futures Trading Commission, Division of Enforcement
140 Broadway, 19th floor
New York, New York 10005

6. Google's production pursuant to this order is without prejudice to Google's right to object to personal jurisdiction in this Court in any future matter.

7. Google's production pursuant to this order will complete Google's discovery obligations in this matter.

IT IS SO STIPULATED.

DATED: _____, 20____ By:_____

Gates S. Hurand
David Oakland
Senior Trial Attorney
Commodity Futures Trading
Commission
140 Broadway, 19th floor
New York, New York 10005
Phone: (646) 746-9700

Attorneys for the Plaintiff

DATED: _____, 20____ By:_____

Patrick K. McDonnell [ProSe]
20 Rawson Place
Staten Island, New York 10314
Telephone: (718) 524-6312
Email: cdm@gmx.us

IT IS SO ORDERED this ____ day of _____, 20____.

Roanne L. Mann

Chief Magistrate Judge